

RESOLUTION NO. 2017-36

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, ENCOURAGING BUSINESS AND SPECIAL EVENT PERMITTEES TO REPLACE STYROFOAM FOOD SERVICE ARTICLES AND SINGLE-USE CARRY-OUT PLASTIC BAGS WITH ENVIRONMENTALLY-FRIENDLY ALTERNATIVES; PROMOTING OTHER MEASURES TO REDUCE MARINE AND ENVIRONMENTAL DEBRIS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 25, 2014, the Village of Key Biscayne (the “Village”) adopted Ordinance No. 2014-10, which amended the Village’s Code of Ordinances to include a prohibition on the sale or use of expanded polystyrene foam (EPS) food service articles by Village contractors; and

WHEREAS, EPS, a petroleum by-product commonly known as Styrofoam, is a common pollutant which is neither readily recyclable nor bio-degradable, and which fragments into small non-bio-degradable pieces that are ingested by marine life and other wildlife, causing sickness and death; and

WHEREAS, the EPA has advised that EPS materials “can have serious impacts on human health, wildlife, the aquatic environment and the economy”; and

WHEREAS, as with EPS products, single-use carry-out plastic bags have a detrimental effect on the Village’s environment; and

WHEREAS, discarded plastic carry-out bags threaten wildlife and marine life, and cause litter in the marine environment and throughout the Village; and

WHEREAS, plastic carry-out bags are used in enormous numbers, by habit, thoughtlessly, creating massive amounts of solid waste and contributing to overburdened landfills; and

WHEREAS, plastic carry-out bags are photo-degradable, breaking-down into small pieces that pollute the food chain and that are ingested by a variety of animals, including birds, jellyfish and endangered sea turtles; and

WHEREAS, according to Ocean Crusaders, shoppers worldwide use approximately 500 billion plastic carry-out bags per year, translating to use and discard of roughly a million bags every minute across the globe, or 150 bags a year for every person on earth, which, it is estimated, would circumnavigate the earth 4,200 times if tied end-to-end; and

WHEREAS, the Center for Biological Diversity estimates that discarded plastic bags are responsible for the deaths of 100,000 marine animals annually; and

WHEREAS, the Southeast Florida Coastal Ocean Task Force, which included direct and active participation by the Village of Key Biscayne on coastal resources and conservation strategies, recommended in its final report, in June 2015, voluntary “bag bans” among other solid waste and coastal protection measures; and

WHEREAS, it has become apparent to Village residents and the Village Council that use of EPS products and carry-out plastic bags is unnecessary and unsustainable; and

WHEREAS, as good and thoughtful stewards of the environment, Village residents regularly seek ways to improve, enhance, beautify and care for the Key Biscayne ecology and surrounding marine environment; and

WHEREAS, the Village Council has expressed the desire, unanimously, to regulate EPS articles and plastic bags, and would do so immediately but for pending litigation that could conceivably affect intended regulation; and

WHEREAS, in advance of intended regulation by the Village Council, and recognizing that the Village is committed to environmental conscientiousness and sustainability, the Village Council has determined to educate local businesses and special event permittees as to the environmental harms associated with EPS articles and plastic bags, and the expressed preferences of Village residents to limit or eliminate the use of such products within the Village, and to advocate for local businesses and special event permittees to respond to consumer antipathy for such products by eliminating their use within the Village so as to adopt better environmental practices within and for a community that highly values such practices.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. Each of the recitals stated above is hereby adopted and confirmed, and incorporated as part of this Resolution.

Section 2. Encourage Use of Environmentally-Friendly Alternatives.

(a) The Village Council directs to Village businesses and permittees the information set forth in the introductory recitals, and commends the advocacy of Village residents who have pressed for greater awareness of the issues, and for corrective conservation strategies, including remedial “bag ban” legislation at the earliest date practicable.

(b) The Village Council encourages and urges local businesses and special event permittees to replace EPS food service articles and plastic carry-out bags with environmentally-friendly, reusable, recyclable or compostable alternatives, beginning immediately.

(c) The Village Council solicits the partnership of local businesses and permittees in helping to hasten the inevitable transition away from EPS articles and carry-out plastic bags, toward environmentally-friendly alternatives.

(d) The Village Council draws favorable attention the recently announced decision of the Publix supermarket in Coral Gables, to eliminate voluntarily plastic bags and to provide customers with free reusable bags in their place.

(e) The Village Council also draws favorable attention to examples of branded or stylized recyclable tote bags, and financial incentives, that have been presented by Village residents, and encourages a Village-wide collaboration, in advance of legislation, to hasten the elimination altogether of EPS, carry-out plastic bags and other avoidable sources of litter, in favor of other means of handling and transporting food and consumer products in an environmentally-friendly, cost-effective and convenient manner.

Section 3. Transmittal. The Village Clerk is hereby directed to transmit this Resolution, with the cover letter attached hereto, to all businesses operating within the Village, and to the Chamber of Commerce and the Key Biscayne Community Foundation, including the Citizen Scientist Program.

Section 4. Effective Date. This Resolution shall be effective immediately from and after adoption hereof.

PASSED AND ADOPTED this 9th day of June, 2017.


MAYOR MAYRA PEÑA LINDSAY

ATTEST:


CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY


VILLAGE ATTORNEY

